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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,816	08/21/2003	Ashfaq M. Kazi	MR1921-20	6189
4586	7590	05/03/2005		EXAMINER
ROSENBERG, KLEIN & LEE 3458 ELLICOTT CENTER DRIVE-SUITE 101 ELLICOTT CITY, MD 21043				HAN, JASON
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 05/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/644,816	KAZI ET AL. 
Examiner	Art Unit	
Jason M. Han	2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 21 August 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-5,8-14 and 17-20 is/are rejected.
- 7) Claim(s) 6,7,15 and 16 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 21 August 2003 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>12/22/2003</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:
 - a. Page 16, Second Paragraph – applicant's reference numerals for Figure 6 are incorrect;

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 5, and 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Kurtzon (U.S. Patent 2434781).
3. With regards to Claim 1, Kurtzon discloses a strip lighting fixture including:
 - First and second housing sections [Figure 1: (2)] each having a base [Figure 8: (3)] and a pair of opposed sidewalls [Figure 8: (4)], where each extends longitudinally along a respective one of the bases and projects substantially orthogonally therefrom, each of the housing sections having an end wall [Figures 4, 6: (34)] mounted on a closed end thereof where each connects a respective one of the pairs of sidewalls and extends substantially orthogonally from a respective one of said bases, each of the housing sections having an

open end formed opposite the closed end and releasably engaging to one another [Figures 5-6: (28)];

- A connecting member [Figures 5-6: (26)] releasably engaging the first and second housing sections to releasably lock the housing sections together;
- First and second bracket members [Figure 3: (44)], each releasably engaging respective ones of the first and second housing sections, connecting a respective one of the pairs of sidewalls, and being positioned substantially parallel to a respective one of said bases; and
- First and second cover members [Figures 6, 8: (11)] each releasably engaging the connecting member [Figure 6: (33)] and a respective one of the bracket members [Figures 3, 6, 8: (15, 48)].

4. With regards to Claim 8, Kurtzon discloses a securement means [Figure 6: (, 19-20, 33)] for releasably engaging the first and second cover members respectively to the first and second housing sections.

5. With regards to Claim 9, Kurtzon discloses each of the first and second cover members having a semi-circular opening [Figure 8: (25)] formed therethrough, whereby the semi-circular opening is formed on an end corresponding to a respective one of the open ends of the first and second housing sections such that said semi-circular openings form a circular opening for engagement with the securement means when the first and second cover members are positioned adjacent and contiguous to one another [Figure 6: (33); Column 3, Lines 33-43].

6. With regards to Claim 10, Kurtzon discloses each of the first and second cover members being adapted to receive a lighting socket [Figure 8: (15)].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 2-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurtzon (U.S. Patent 2434781) as applied to Claim 1 above, and further in view of Maurette (U.S. Patent 2383007).

8. With regard to Claims 2-4, Kurtzon discloses the claimed invention as cited above, but does not specifically teach each base having a pair of retaining members formed thereon and positioned on the respective one of said open ends (re: Claim 2), a locking plate releasably engaging the pair of retaining members in order to releasably secure the first housing section to the second housing section (re: Claim 3), nor teaches the locking plate including a pair of openings formed therethrough where each releasably engages a respective locking finger member formed on the respective base of the first and second housing sections (re: Claim 4).

Maurette teaches a lighting fixture including first and second housings [Figure 1: (1, 2, 3)] each having a pair of retaining brackets/locking finger members [Figure 2: (20)] mounted thereon and positioned adjacent to an end of said housings such that a locking plate [Figure 2: (11)] with a pair of openings [Figure 2: (24)] formed therethrough

releasably engages the pair of retaining members/locking finger members to secure the housing sections.

It would have been obvious to one ordinarily skilled in the art at the time the invention was made to modify the strip lighting fixture of Kurtzon to incorporate the mounting configuration with locking plate of Maurette in order to provide a more robust attachment/holding means between the two housing sections.

9. With regards to Claim 5, Kurtzon discloses the claimed invention as cited above, but does not specifically each of the first and second housing sections including a pair of retaining brackets mounted thereon and positioned adjacent to a respective one of the open ends.

Maurette teaches a lighting fixture including first and second housings [Figure 1: (1, 2, 3)] each having a pair of retaining brackets/locking finger members [Figure 2: (20)] mounted thereon and positioned adjacent to an end of said housings.

It would have been obvious to one ordinarily skilled in the art at the time the invention was made to modify the strip lighting fixture of Kurtzon to incorporate the mounting configuration with retaining brackets of Maurette in order to provide a more robust attachment/holding means between the two housing sections.

10. Claims 11-14 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurtzon (U.S. Patent 2434781) as applied to Claim 1 above, and further in view of Maurette (U.S. Patent 2383007).

11. With regard to Claims 11-13, Kurtzon discloses a strip lighting fixture including:

- First and second housing sections [Figure 1: (2)] each having a base [Figure 8: (3)] and a pair of opposed sidewalls [Figure 8: (4)], where each extends longitudinally along a respective one of the bases and projects substantially orthogonally therefrom, each of the housing sections having an end wall [Figures 4, 6: (34)] mounted on a closed end thereof where each connects a respective one of the pairs of sidewalls and extends substantially orthogonally from a respective one of said bases, each of the housing sections having an open end formed opposite the closed end and releasably engaging to one another [Figures 5-6: (28)];
- A connecting member [Figures 5-6: (26)] releasably engaging the first and second housing sections to releasably lock the housing sections together;
- First and second bracket members [Figure 3: (44)], each releasably engaging respective ones of the first and second housing sections, connecting a respective one of the pairs of sidewalls, and being positioned substantially parallel to a respective one of said bases; and
- First and second cover members [Figures 6, 8: (11)] each releasably engaging the connecting member [Figure 6: (33)] and a respective one of the bracket members [Figures 3, 6, 8: (15, 48)].

Kurtzon does not specifically teach each base having a pair of retaining members formed thereon and positioned on the respective one of said open ends such that a locking plate releasably engages the pair of retaining members in order to releasably secure the first housing section to the second housing section (re: Claim 11), said

locking plate having a pair of engaging openings formed therethrough (re: Claim 12), nor said pair of engaging openings of the locking plate releasably engaging/locking a respective locking finger member formed on the respective base of the first and second housing sections (re: Claim 13).

Maurette teaches a lighting fixture including first and second housings [Figure 1: (1, 2, 3)] each having a pair of retaining brackets/locking finger members [Figure 2: (20)] mounted thereon and positioned adjacent to an end of said housings such that a locking plate [Figure 2: (11)] with a pair of openings [Figure 2: (24)] formed therethrough releasably engages the pair of retaining members/locking finger members to secure the housing sections.

It would have been obvious to one ordinarily skilled in the art at the time the invention was made to modify the strip lighting fixture of Kurtzon to incorporate the mounting configuration with locking plate of Maurette in order to provide a more robust attachment/holding means between the two housing sections.

12. With regards to Claim 14, Kurtzon discloses the claimed invention as cited above, but does not specifically each of the first and second housing sections including a pair of retaining brackets mounted thereon and positioned adjacent to a respective one of the open ends.

Maurette teaches a lighting fixture including first and second housings [Figure 1: (1, 2, 3)] each having a pair of retaining brackets/locking finger members [Figure 2: (20)] mounted thereon and positioned adjacent to an end of said housings.

It would have been obvious to one ordinarily skilled in the art at the time the invention was made to modify the strip lighting fixture of Kurtzon to incorporate the mounting configuration with retaining brackets of Maurette in order to provide a more robust attachment/holding means between the two housing sections.

13. With regards to Claim 17, Kurtzon in view of Maurette discloses the claimed invention as cited above. In addition, Kurtzon discloses a securement means [Figure 6: (, 19-20, 33)] for releasably engaging the first and second cover members respectively to the first and second housing sections.

14. With regards to Claim 18, Kurtzon in view of Maurette discloses the claimed invention as cited above. In addition, Kurtzon discloses each of the first and second cover members having a semi-circular opening [Figure 8: (25)] formed therethrough, whereby the semi-circular opening is formed on an end corresponding to a respective one of the open ends of the first and second housing sections such that said semi-circular openings form a circular opening for engagement with the securement means when the first and second cover members are positioned adjacent and contiguous to one another [Figure 6: (33); Column 3, Lines 33-43].

15. With regards to Claim 19, Kurtzon in view of Maurette discloses the claimed invention as cited above. In addition, Kurtzon discloses each of the first and second cover members being adapted to receive a lighting socket [Figure 8: (15)].

16. With regards to Claim 20, Kurtzon in view of Maurette discloses the claimed invention as cited above, but does not specifically teach the first and second housing sections being formed of a metal composition. However, it would have been obvious to

one having ordinary skill in the art at the time the invention was made to incorporate the first and second housing sections out of a metal composition, since it has been held to be within general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416. In this case, a metal composition is preferred for the known characteristics of aesthetic appeal, good thermal conductivity, and durability.

Allowable Subject Matter

17. Claims 6-7 and 15-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
18. With regard to Claims 6 and 15, the following is a statement of reasons for the indication of allowable subject matter: The prior art fails to teach or suggest the combination of structural elements disclosed and claimed herein, specifically the connecting member that releasably engages the pairs of retaining brackets disposed adjacent to the open ends of the first and second housing sections. Subsequent dependent Claims 7 and 16, respectively, are considered allowable and further limit the invention.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following references are cited to further show the state of the art pertinent to the current application, but are not considered exhaustive:

US Patent 2291491 to Naysmith;

US Patent 2503876 to Krauss;

US Patent 3349237 to Jackson;

US Patent 5226724 to Kanarek.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason M. Han whose telephone number is (571) 272-2207. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JMH (4/28/2005)


Stephen Husar
Primary Examiner